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GOOGLE LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,
JULIAN SANTIAGO, and SUSAN LYNN
HARVEY, *al.* individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No. 3:20-CV-04688 RS

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF
GOOGLE LLC'S REPLY IN SUPPORT
OF ITS MOTION TO STRIKE
PLAINTIFFS' UNTIMELY DAMAGES
OPINION**

*[FILED CONCURRENTLY WITH GOOGLE'S
REPLY]*

Date: February 13, 2025
Time: 1:30 p.m.
Ct rm: 3 - 17th Floor
Judge: Hon. Richard Seeborg

Action filed: July 14, 2020
Trial Date: August 18, 2025

1 I, Eduardo E. Santacana, declare:

2 1. I am an attorney licensed to practice law in the State of California and am a partner
3 with the law firm of Willkie Farr & Gallagher LLP, located at 333 Bush Street, Francisco, California
4 94104, counsel for Defendant Google LLC (“Google”) in the above-captioned action. Unless
5 otherwise stated, the facts I set forth in this declaration are based on my personal knowledge or
6 knowledge I obtained through my review of corporate records or other investigation. If called to testify
7 as a witness, I could and would testify competently to such facts under oath.

8 2. I make this declaration in support of Google’s Reply in Support of its Motion to Strike
9 Plaintiffs’ Untimely Damages Opinion. Unless otherwise noted, all references to docket entries and
10 exhibits herein refer to documents previously filed in this action or attached hereto.

11 3. Plaintiffs’ Opposition to the Motion to Strike references alleged deficiencies or delays
12 in Google’s production of certain app-activity or Analytics data. Plaintiffs never filed any motion to
13 compel production of this purportedly missing data during the discovery period, which closed on
14 October 31, 2022.

15 4. I never promised Plaintiffs’ counsel that I would produce a sample of data for 5,000
16 randomly selected class members in “late Spring or early Summer of 2022” or at any other time. There
17 is no written or recorded confirmation of such a promise, and I am aware of no records, notes, or
18 communications from any counsel at Willkie Farr & Gallagher LLP that reference such a promise by
19 me or any other counsel on my team.

20 5. Mr. Lasinski’s original expert report calculated the number of “user-months” during
21 the discovery period for the years 2016 through 2022. Following the submission of his original report,
22 the only data Google produced relevant to Mr. Lasinski’s calculations consisted of the same data that
23 Mr. Lasinski previously relied on, but updated to include calendar years 2023 and 2024. These updated
24 productions did not introduce any new categories of data or methodologies but merely extended the
25 timeframe of an existing dataset Mr. Lasinski had access to all along.

26 6. Attached hereto as **Appendix A** is a compilation of excerpts from certain documents
27 previously filed on the docket in this litigation, including transcripts, expert reports, and briefs.
28

7. Specifically, Appendix A collects excerpts from the following ECF filings:

- a. ECF 361-1 (Plaintiffs' Motion for Class Certification)
- b. ECF 361-2 (Plaintiffs' Trial Plan in Support of Motion for Class Certification)
- c. ECF 361-4 (Plaintiffs' Opposition to Google's Motion to Exclude Opinion of M. Lasinski)
- d. ECF 364-15 (Rebuttal Report of Anindya Ghose, Ph.D.)
- e. ECF 364-17 (Deposition Transcript of Michael Lasinski)
- f. ECF 364-18 (Rebuttal Report of Christopher R. Knittel, Ph.D.)
- g. ECF 364-23 (Expert Report of Michael Lasinski)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed January 30, 2025, at San Francisco, California.

/s/ *Eduardo E. Santacana*
EDUARDO SANTACANA